IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5820 of 1999

HON'BLE MR.JUSTICE K.S.JHAVERI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

DEVDAS P CHRISTIAN C/O JOY S GURJAR

Versus

STATE OF GUJARAT

Appearance:

MR GM JOSHI for Petitioner No. 1

MR K.P. RAWAL, AGP, for Respondent No. 1-2

RULE SERVED for Respondent No. 3

CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 21/07/2004

ORAL JUDGEMENT

1. The petitioner in this petition prayed for a direction directing the respondents to release the arrears of pension, arrears of revision of salary etc. Ultimately the claim of the petitioner for pension has

been accepted by the Principal, Nursing College, Civil Hospital Compound, Ahmedabad, by order dated 19th December 2002 and the petitioner was directed to produce the relevant documents to do the needful in the matter. In the meantime the original petitioner has expired on 25.2.2002 and therefore his legal heirs were brought on record.

2. Accordingly, in view of the order of the respondent authority, the concerned respondent is directed to calculate pension and other benefits and pay to the legal heirs of the original petitioner the arrears payable to the original petitioner, for the period from 21.2.1996 to 25.2.2002, within four weeks from the date of receipt of writ of this Court. Accordingly the petition is partly allowed. Rule is made absolute to the aforesaid extent. It is clarified that in case the payment is not made within the stipulated period as mentioned above, interest at the rate of 9% shall be paid on the said amount after the aforesaid period till payment and such amount shall be recovered from the concerned officer who has delayed the payment to the petitioner.

[K.S. JHAVERI, J.]

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